

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

C.R.No.7992 of 2015 (O&M)

Chandigarh Delhi Circle State Bank Staff Association

...Petitioner

Versus

Raj Pal

....Respondent

Date of Order: 08.5.2018

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Raj Kaushik, Advocate for the petitioner .

Mr. Hitesh Kaplish, Advocate for the respondent.

AMIT RAWAL, J (ORAL)

The petitioner-Chandigarh-Delhi Circle State Bank Staff Association Cooperative Salary and Pensioner Earners Thrift Society (Ltd), Sector 18, Press Building, Chandigarh (for short "Petitioner-Society") is in revision against the impugned orders dated 26.5.2015 and 17.10.2015 vide which the objections to the execution application as also the appeal preferred against the order dismissing the objections, have been dismissed.

Learned counsel for the petitioner submitted that the Executing Court has not applied its mind in passing the impugned order by rejecting the stand of the petitioner and accepting the plea of the respondent. The matter between the parties was settled vide order dated 30.10.2007 (P.1) and on that basis, the decree holder filed execution application (P.3) claiming the amount of Rs.16,000/- and Rs.10,000/-.

Learned counsel for the respondent referred to letter (P.2) vide which the petitioner-Society has paid a sum of Rs.16000/- to the respondent-Raj Pal vide cheque No.274563 dated 24.9.2001 along with

accrued interest of Rs.3500/-. As regards the payment of Rs.10,000/- against FDR No.11433, it was stated that the said FDR can be paid only seniority-wise only when the funds are available after recovery of outstanding loans against various loanees as his serial number in the seniority list is 103. The decree was passed by the trial Court on the basis of aforesaid receipt but the objections as also the appeal were dismissed.

Learned counsel for the respondent submitted that the reasoning given in Annexure P.2 is totally erroneous and the same has been rightly rejected by the court below as the order (P.1) passed by the Lok Adalat was not pertaining to it.

I have heard learned counsel for the parties and appraised the paper book.

It would be in the fitness of things to reproduce order dated 30.10.2007 (P.1) as also the receipt dated 22.2.2009 (P.2), which reads as under:

Annexure P.1

“The present reference has received from the Member Secretary, State Legal Services Authority, Union Territory, Chandigarh for settlement of the dispute in between the petitioner and the respondent. The petitioner has moved the present application for settlement of dispute against the respondent.

2. After the institution of the present petition, the process was issued against the respondent to call him for amicable settlement of the dispute. Today, on behalf of the respondent Shri Inder Kumar. Administrator has appeared and disclosed that as per order of the consumer Court, seniority list and the record has already been prepared and as and when as per seniority the number of the petitioner will come,

the amount will be disbursed to him. In view of the situation, the present petition is consigned to records, with the above settlement. A copy of the order be supplied to the parties free of costs.”

Annexure P.2

“Reference request of Sh. Raj Pal, H.No.997, Dadu Majra, Colony, Sector 38-West, Chandigarh dated 29.4.2008.

I, the undersigned appeared in your Hon'ble Court on dated 26.11.08 in connection with the request made by Sh. Raj Pal. I informed the Hon'ble Court that Sh. Raj Pal was issued to FDRs No.11411 and 11433 for Rs.16000 and 10,000/- respectively by the then managing committee. Out of these, the payment of FDR No.11411 for Rs.16000/- stand already made to him on 24.9.01 vide bearer Cheque No.274563 dated 24.9.01 alongwith the accrued interest of Rs.3500/-. The photocopy of the said cheque has already been handed over to Sh. Raj Pal as per order of the Hon'ble Court. As such the payment of Rs.10000/- against FDR No.11433 is payable to him and not 26000/-. So far as this FDR No.11433 for Rs.10000/- is concerned this can be paid seniority-wise as per funds available with the society after recovery of outstanding loans against various loanees. His serial number in the seniority list is 103.”

In none of the objections, the petitioner has been able to satisfy the conscious of the Court by giving details as to why amount of other FDR No.11433 for Rs.10000/- along with interest has not been paid except by giving his seniority Number as 103.

The finding of the court below, in my view is correct and

perfectly justified as the petitioner did not adhere to the undertaking given in order dated 30.10.2007. Therefore, I find no illegality or perversity in the impugned orders.

Dismissed.

May 08, 2018
manoj

^(AMIT RAWAL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable : Yes/No